

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/812,113
Applicant: Ming Li et al.
Filed: March 29, 2004
Title: METHOD AND APPARATUS OF DRILLING HIGH DENSITY
SUBMICRON CAVITIES USING PARALLEL LASER BEAMS
TC/A.U.: 3742
Examiner: Elve, Maria Alexandra
Confirmation No.: 1523
Docket No.: MATB-401US

**PETITION UNDER 37 C.F.R. §1.181 FOR
CONSIDERATION OF INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This Petition is being filed to request consideration of references previously filed with an Information Disclosure Statement (IDS) on January 17, 2006. This IDS (copy enclosed) included the following paragraph in the body of the IDS:

Under 37 C.F.R. § 1.98(d), copies of the patents and publications listed on the enclosed PTO/SB/08a (and/or PTO/SB/08b) are not required to be provided, because they were cited by or submitted to the Patent and Trademark Office in prior application Serial No. 10/329,036, filed December 24, 2002, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Five published Japanese applications and two non-patent literature (NPL) references were listed on the forms PTO/SB/08a and PTO/SB/08b that were submitted with this IDS.

The Examiner returned the forms PTO/SB/08a and PTO/SB/08b with the next Office Action and the five Japanese applications and two NPL references were crossed out, indicating that they had not been considered, presumably because copies of these references had not been submitted.

Applicant submits that this is contrary 37 C.F.R. § 1.98(d) which states:

(d) A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

(1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and

(2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

The two NPL references were cited in an IDS filed by Applicant on December 24, 2002, with the initial filing of application serial no. 10/329,036. Four of the Japanese applications were submitted in an IDS filed on June 10, 2005. The remaining Japanese application was cited by the Examiner on a form PTO-892 dated December 1, 2004. Copies of the initialed forms PTO-1449 and a copy of the form PTO-892 are enclosed. Applicant notes that, although the form PTO-1449 filed on June 10, 2005 indicates that only the abstracts of the references were considered, each of the references was submitted in its entirety and the abstract was submitted to satisfy the requirement of a brief statement of relevance. Applicant also notes that the entire document plus the abstract for each of these references is contained in the electronic file wrapper of application serial no. 10/329,036.

Because the requirements of 37 C.F.R. 1.98(d) have been met, the Examiner should have considered these references. Applicant requests that the Examiner consider these references and return to the undersigned an initialed copy of the form PTO/SB/08a and PTO/SB/08b indicating that the references were considered.

Respectfully submitted,

RatnerPrestia



Kenneth N. Nigon, Reg. No. 31,549
Attorney for Applicant

KNN/ems

Enclosures: IDS dated 1/17/2006
Forms PTO-1449 dated 12/24/2002 and 6/10/2005
Form PTO-892 dated 12/1/2004

Dated: November 4, 2010

P.O. Box 980
Valley Forge, PA 19482
610-407-0700

The Director is hereby authorized to charge or credit
Deposit Account No. 18-0350 for any additional fees, or any
underpayment or credit for overpayment in connection herewith.

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Applicant: Ming Li et al.
Filed: March 29, 2004
Title: METHOD AND APPARATUS OF DRILLING HIGH DENSITY SUBMICRON
CAVITIES USING PARALLEL LASER BEAMS
TC/A.U.: 1725
Examiner: Maria A. Elve

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO/SB/08a.


Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

Under 37 C.F.R. § 1.98(d), copies of the patents and publications listed on the enclosed PTO/SB/08a (and/or PTO/SB/08b) are not required to be provided, because they were cited by or submitted to the Patent and Trademark Office in prior application Serial No. 10/329,036, filed December 24, 2002, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

More than three months have elapsed since the filing of the above-referenced application and a first (non-Final) Official Action has been received. No Final Action or Notice of Allowance has yet been received and it is presumed that none has yet been mailed. Accordingly, the required fee set forth in 37 C.F.R. § 1.17(p) is provided herewith.

Respectfully submitted,


Kenneth N. Nigon, Reg. No. 31,549
Attorney(s) for Applicant(s)

KNN/pb

Enclosures: Transmittal Form

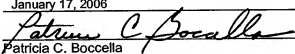
Dated: January 17, 2006

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (571-273-8300) on the date shown below.

January 17, 2006


Patricia C. Boccella

12/1/04

Notice of References Cited	Application/Control No. 10/329,036	Applicant(s)/Patent Under Reexamination LI ET AL.	
	Examiner Stefan Staicovici	Art Unit 1732	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6120976	09-2000	Treadwell et al.	430/322
	B	US-5310986	05-1994	Zumoto et al.	219/121.7
	C	US-5973290	10-1999	Noddin	219/121.7
	D	US-5933218	08-1999	Matsubara et al.	355/67
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	JP 2000-176669	06-2000	Japan	Hirata et al.	
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

FORM PTO-1449 (Rev. 3-32)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. MATG-102US	SERIAL NO. 10/329,036
Information Disclosure Statement by Applicant (Use several sheets if necessary)		APPLICANTS Ming Li et al.	
		FILING DATE 12/24/2002	GROUP 1732

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Exam Initial	Document Number	Date	Country	Class	Sub Class	Translation YES/NO
SS	7. JP362057788A	03-1987	Japan (abstract ONLY)			✓
	8. JP40128586A	11-1989	Japan (abstract ONLY)			✓
	9. JP10048529A	02-1998	Japan (abstract ONLY)			✓
SS	10. JP41107991A	03-1999	Japan (abstract ONLY)			✓

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner	<i>[Signature]</i>	Date Considered	8/12/05
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Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449

FORM PTO-1449 (Rev. 2-02)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. MATG-102US	SERIAL NO. To Be Assigned
Information Disclosure Statement by Applicant (Use several sheets if necessary)		APPLICANTS Ming Li et al.	
		FILING DATE HEREWITH	GROUP

Sheet 1 of 1

JCS719 U.S. PTO
40/329036

12/24/02

U.S. PATENT DOCUMENTS

Exmr Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
SS	5,268,919	12/07/1993	Hongu et al.			
	5,706,305	01/06/1998	Yamane et al.			
	5,744,780	04/28/1998	Chang et al.			
	5,417,897	05/23/95	Atakawa et al.			
	6,058,127	05/02/2000	Joannopoulos et al.			
	6,150,630	11/21/2000	Perry et al.			
	6,211,485	04/03/2001	Burgess			
SS	6,260,388	07/17/2001	Borrelli et al.			

FOREIGN PATENT DOCUMENTS

Exmr Initial	Document Number	Date	Country	Class	Sub Class	Translation YES NO

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

SS	1)	Ming Li et al., "Nanstructuring In Submicron-Level Waveguides With Femtosecond Laser Pulses"
		Optics Communications (2002), pp. 1-5 (Sept. 10, 2002).
SS	2)	Ming Li et al., "Femtosecond Laser Micromachining of Si-on-SiO ₂ for Photonic Band Gap Crystal Fabrication", Jpn. J. Appl. Phys. Vol. 40 (2001), pp. 3476-3477, Part 1, No. 5A, May 2001..

Examiner <i>Stefan Briceau</i>	Date Considered 11/24/04
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Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.